

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

BOBBY RAY CLAYBORN, #1013467 §  
VS. § CIVIL ACTION NO. 2:10cv564  
DIRECTOR, TDCJ-CID §

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Charles Everingham IV. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that Petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus is **DENIED** and the case is **DISMISSED WITH PREJUDICE**. A certificate of appealability is **DENIED**. It is further

**ORDERED** that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 12th day of September, 2011.

T. John Ward  
T. JOHN WARD  
UNITED STATES DISTRICT JUDGE